

Capital Cities/ABC, Inc. 77 West 66 Street New York NY 10023 (212) 456 6222



Legal Department

Sam Antar  
Vice President  
Law & Regulation

DOCKET FILE COPY ORIGINAL

RECEIVED

July 14, 1994

JUL 15 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Re: FCC En Banc Hearing on Children's Television (MM Docket No. 93-48), June 28, 1994

Dear Mr. Caton:

Enclosed please find an original and nine copies of Capital Cities/ABC, Inc. Response to En Banc Hearing Testimony.

By copy of this letter, a copy is also being sent to the Video Services Division.

Very truly yours,

Sam Antar

SA:mrg  
Enclosures

cc: Mr. Larry A. Miller  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W. - Room 702  
Washington, DC 20554

No. of Copies rec'd  
List ABCDE

089

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED  
JUL 15 1994  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Policies and Rules Concerning )  
Children's Television Programming ) MM Docket No. 93-48  
 )  
Revision of Programming Policies )  
for Television Broadcast Stations )

To: The Commission

CAPITAL CITIES/ABC, INC. RESPONSE TO  
EN BANC HEARING TESTIMONY

I. Introduction

Capital Cities/ABC, Inc. ("Capital Cities/ABC") submits herewith its response to testimony presented at the Commission's June 28, 1994 en banc hearing on children's television. We have actively participated in the Commission's consideration of children's television issues throughout the years, including filing comments in MM Dockets 90-570 and 83-670 relating to the Children's Television Act (the "Act"). Most recently, we filed comments in this proceeding in response to the Notice of Inquiry released in March of last year and also provided a company witness, Jeanette B. Trias, President, ABC Children's Entertainment, for the Commission's en banc hearing.

In this response, we urge the Commission not to adopt a quantification standard or processing guideline to evaluate compliance with the Act's programming obligations, or if such a standard or guideline is adopted, we urge the Commission to forego a "per day" test in favor of a more flexible "per week" test. We also take the opportunity to submit for the record information concerning the educational programming for children which will be included in the ABC Television Network 1994/1995 season schedule.

II. The Commission Should Not Adopt A "Per Day" Quantification Standard or Processing Guideline

In our earlier comments, we presented three reasons why the Commission should reject a quantitative approach: 1) it would conflict with the express intent of Congress to avoid a quantitative test; 2) it would undermine the Act's goal of expanding the amount of educational programming and instead lead to fewer and less innovative children's educational programs on the air; and 3) it would be premature because the Commission's limited experience with licensee conduct under the Act does not provide a sufficient basis upon which to adopt new enforcement guidelines. We also pointed out that a programming guideline which did not account for short-form programming and "specials" and for a licensee's extra-broadcast activities would be flatly inconsistent with Congress' intent that the Act afford broadcasters wide

discretion on how to best respond to children's needs. Finally, we urged the Commission, if it decided to adopt a processing guideline, to avoid a "per day" requirement because it would significantly disrupt the weekday program schedules of network affiliated stations.

While a number of witnesses at the June 28 en banc hearing testified in support of a 1-hour-per-day requirement, none of them drew any distinction between stations affiliated with the traditional networks (ABC, CBS and NBC) and independent stations. As we pointed out in our earlier comments, the normal operation of the marketplace has resulted in network-affiliated stations programming for children on weekends while independent stations present children's programs on weekdays. Ninety percent of network affiliates have no regular weekday children's programs, while the vast majority of independent stations, including those affiliated with Fox, broadcast children's programs during the weekday "early fringe" time period.<sup>1</sup>

We urge the Commission, in its consideration of this issue, to take particular cognizance of the testimony of CBS' Johnathan Rodgers at the hearing that weekday quotas "would be punitive" to network affiliates who would "either have to displace news programming or some of their most profitable afternoon and evening shows which, of course, help contribute

---

<sup>1</sup> Comments of Capital Cities/ABC, Inc. in MM Docket 93-48 (filed May 7, 1993) ("Capital Cities/ABC Comments") at 18.

the resources necessary for providing children's programming in the first place".

The program schedules of the eight Capital Cities/ABC owned stations illustrate the severe disruption that weekday quotas would cause to network affiliates. There are six hours during the day before the start of network prime time (five hours in the Central time zone) when there are significant number of children in the audience -- a two-hour morning block (6am to 8am local time) and a three or four hour afternoon block (4pm to 8pm Eastern and Pacific, and 4pm to 7pm Central time). The Capital Cities/ABC stations now use those blocks for a total of between 3-1/2 to 4-1/2 hours of news, public affairs and informational programs, both local and network. The remaining 1 to 2-1/2 hours is devoted to syndicated programs of demonstrated high appeal and designed for adult audiences.

While network affiliates program for adult audiences, both the Fox and public television networks and independent and public stations (as well as cable channels such as Nickelodeon and Disney) counterprogram with a wide array of children's programs. We suggest that the record reflects no shortage of children's educational and informational programs -- merely that, for the reasons we have identified, stations are offering these programs at different times of the week depending upon their scheduling judgments. Indeed, in each of the eight Capital Cities/ABC owned station markets, there

is at least one PBS station and one independent station programing for children both during the pre-school time block and the post-school time block.<sup>2</sup> We believe that the marketplace has thus achieved a balanced result which serves both adult and children's needs with different stations serving different needs in the context of their competitive decisions. A mandated per-day quota applicable to every station in every market would require network affiliates to cut back on either their news and information programs or popular syndicated programs, thus depriving adult audiences of programs that serve their needs and interests. That result is not justified where, as here, those stations meet their obligations for children's educational and informational programs on weekends and other parts of the broadcast system conjoin to ensure that children have choices in the relevant hours throughout the week.

III. The ABC Television Network Children's Educational Program Schedule for the 1994-1995 Season

Beginning in September 1994, there will be three regularly scheduled one-half hour children's educational programs on the ABC Saturday morning schedule. In January, 1995, a fourth program will be added. A description of the four programs follows:

1. CRO - Saturdays - 12:00N-12:30PM ET

---

<sup>2</sup> Source: NSI, May 1994

This animated series, produced by Children's Television Workshop, is based on the book "The Way Things Work" by David Macaulay. Each episode features a tale of Cro, an inquisitive Neanderthal boy, his tribe and a scientifically sophisticated herd of woolly mammoths who together explore levers, pulleys, buoyancy, sound transmission, etc. A surviving mammoth recounts the tales to his modern day friends, a Latina physicist and her African-American neighbor. This series makes science and technology meaningful and entertaining to children. Teachers' Guides are made available to the viewing public and to educators through ABC CLASSROOM CONNECTION.

2. Free Willy - Saturdays - 9:00AM-9:30AM ET

"Free Willy" is an animated adventure series in which the stories revolve around environmental issues and threats to marine life. Twelve-year-old Jesse and his foster parents live in the Pacific Northwest where the youth has a part-time job at the Misty Island Oceanographic Institute. His mentors are Randolph, a Native American marine biologist and Marlene, an African-American teen who works in the Institute's animal "sick bay"/nursery. Jesse discovers that Willy, the killer whale which he befriended in the feature film "Free Willy", has returned to the area with his family "pod" of orcas. Jesse's and Willy's adventures provide an appealing vehicle for instruction in biology, geology, conservation, laws protecting the environment and the

imparting of prosocial program content.

3. ABC Weekend Specials - Saturdays - 12:30PM-1:00PM  
ET

ABC Weekend Specials are a series of half-hour programs based on children's literature. Broadcast weekly, they are a mix of animation and live-action. The series and its signature character, Cap'n O.G. Readmore, were developed in association with the Library of Congress. The objective of the ABC Weekend Specials is to encourage children to read and to frequent the public library.

4. Fudge - Saturdays - 9:00AM-9:30AM ET, beginning  
January, 1995.

Based on a trio of beloved children's books (Tales of a Fourth Grade Nothing, Super-Fudge and Fudge-A-Mania, written by Judy Blume, this live action series depicts the joys and tribulations of Peter Hatcher and his precocious younger brother Farley Drexel, known affectionately as "Fudge". The stories feature family interaction, classroom vignettes, neighborhood hijinks and the embarrassing moments which seem to be a part of growing up. In light of the fact that this book series has sold over 20 million copies, we believe that this children's series will promote reading while encouraging prosocial behavior.

The Saturday morning children's schedule will also feature the short-form "Schoolhouse Rock", to be broadcast each week at approximately 8:55AM (following "Bugs and



Tweety") and 11:55AM (following "Addams Family" or "Fudge"). Schoolhouse Rock is a series of three minute shorts programs designed to teach children about various subjects, including math, science, history, grammar, and money. These shorts are fully animated and accompanied by a catchy jingle. The Schoolhouse rock series consist of five different subject titles: Multiplication Rock, Science Rock, Grammar Rock, American Rock, and Money Rock. Academic research has demonstrated that Schoolhouse Rock short form programs are an extremely effective teaching tool.<sup>3</sup>

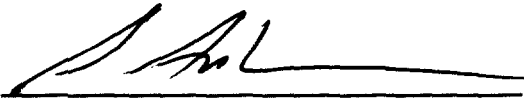
In addition, the periodic series, ABC Afterschool Specials, designed for teenagers, broadcast on weekdays at 4:00-5:00PM ET will return to the ABC Television Network schedule for its twenty-third season.

This coming season, eight broadcasts are planned, including five original episodes. One episode, "Boys will be Boys", will deal with sexual harassment in a high school setting. Another program, "Girlfriend", tells the story of a friendship that comes under the strain of racial differences. Other programs will deal with teenagers coping with lack of self esteem, with weight problems and with issues such as step-parenting and couple violence.

---

<sup>3</sup> Capital Cities/ABC Comments at 4-5, footnotes 5 and 6. (Copies of the referenced studies were furnished to Regina Harrison by letter of October 18, 1993).

Respectfully submitted,

By:   
Sam Antar  
Vice President, Law & Regulation

Capital Cities/ABC, Inc.  
77 West 66th Street  
New York, New York 10023

Counsel for Capital Cities/ABC, Inc.

July 14, 1994